

From: [Thrush, Dale](#)
To: [Bradford, Deanna](#)
Subject: FW: KMCO Crosby and KMTEX FOIA
Date: Friday, May 02, 2014 6:49:48 AM

FYI. I will follow up with Kathy the next time she is in the office.

From: Jan.Williamson@bakerbotts.com [mailto:Jan.Williamson@bakerbotts.com]
Sent: Thursday, May 01, 2014 7:33 PM
To: Thrush, Dale
Cc: Stuckey, Troy; Laws, Kathy
Subject: Re: KMCO Crosby and KMTEX FOIA

Dale, thank you. This is all we need so you can consider it closed.

On May 1, 2014, at 5:46 PM, "Thrush, Dale" <Thrush.Dale@epa.gov> wrote:

Ms. Williamson,

As we briefly discussed today, I am one of the inspectors / enforcement officers in the RCRA Hazardous Waste Enforcement Branch at the EPA Region 6 office. I have received a Freedom of Information Act (FOIA) request related to the referenced facilities. I do not have any responsive documents related to the KMTEX facility in Port Arthur, but I have 5 email documents which take place between EPA and the Arkansas Department of Environmental Quality. We believe that these documents may be exempt from disclosure under Exemption 5 – Deliberative Process applying the contractor corollary, but I can summarize their contents in the following paragraph.

Based upon some Biennial Reporting (BR) system data, it appeared that the KMCO Crosby plant was shipping hazardous waste to a Treatment, Storage or Disposal Facility (TSDF) in Arkansas and that the TSDF was not permitted to treat some of the constituents. Upon review of the manifests in question, it was found that there was a data entry error in the BR data and that there was no violation related to these shipments. EPA will not be enforcing on this issue.

If this description of the email correspondence is sufficient, please let me know so we can close out the FOIA request. I will be out of the office on travel from May 5 to May 8, but I will return calls upon my return to the office. I can be contacted at 214-665-9799 if there are any additional questions. I will be checking my email nightly, so if you would like to contact me prior to May 9th, please send an email to my attention at thrush.dale@epa.gov.

Dale

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